

SENATE, No. 2029

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1997

By Senators LESNIAK and PALAIA

1 AN ACT concerning personal needs allowances and amending
2 P.L.1985, c.286 and P.L.1973, c.256.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1985, c.286 (C.30:4D-6a) is amended to read
8 as follows:

9 1. Any person who is eligible for medical assistance and health
10 services under P.L.1968, c.413 (C.30:4D-1 et seq.) and who receives
11 medical assistance under subparagraph (4)(a) of subsection a. or under
12 paragraph (11), (13) or (14) of subsection b. of section 6 of P.L.1968,
13 c.413 (C.30:4D-6), who is not eligible for Supplemental Security
14 Income benefits pursuant to 42 U.S.C. § 1382(e)(1)(B), is entitled to
15 a[\$35.00] \$50 monthly personal needs allowance.

16 (cf: P.L.1985, c.286, s.1)

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18 2. Section 3 of P.L.1973, c.256 (C.44:7-87) is amended to read as
19 follows:

20 3. The commissioner shall:

21 a. Enter into agreements with the government to secure the
22 administration of supplementary payments by the government for such
23 time and upon such conditions as the commissioner may in his
24 discretion deem appropriate.

25 b. Promulgate, alter and amend such rules, regulations and
26 directory orders as are necessary and proper:

27 (1) To implement the terms of the agreement with the government
28 for the administration by the government of supplementary payments;
29 and

30 (2) To secure social services for eligible persons, and for such
31 other aged, blind or disabled persons as the commissioner may
32 designate.

33 c. Transfer State or welfare board funds, or both, currently
34 appropriated for this State's participation in the federal categorical

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 assistance programs of "Old Age Assistance," R.S.44:7-3 to
2 R.S.44:7-37; "Assistance for the Blind," P.L.1962, c.197 (C.44:7-43
3 to 44:7-49) and "Permanent and Total Disability Assistance,"
4 P.L.1951, c.139 (C.44:7-38 to 44:7-42) and any funds which may in
5 the future be appropriated for the payment of supplementary
6 payments, to the government in such amounts and at such times as the
7 commissioner shall deem appropriate in order to provide for
8 supplementary payments to eligible persons in this State.

9 d. Pay to the government such funds as are necessary to reimburse
10 the government's expenses in collecting additional information needed
11 for the State to make eligibility determinations for medical assistance
12 under the "New Jersey Medical Assistance and Health Services Act,"
13 P.L.1968, c.413 (C.30:4D-1 to 30:4D-19).

14 e. Require welfare boards to perform such eligibility determinations
15 as the commissioner may deem necessary for the continuation of the
16 New Jersey Medical Assistance Program under the "New Jersey
17 Medical Assistance and Health Services Act," P.L.1968, c.413. The
18 commissioner shall pay to the counties a reasonable amount to
19 reimburse the welfare boards for their expenses in making such
20 eligibility determinations.

21 f. (Deleted by amendment, P.L.1990, c.66.)

22 g. Take appropriate steps to secure maximum federal financial
23 participation in providing assistance to eligible persons residing in
24 residential health care facilities.

25 h. Ensure that any eligible person residing in a rooming or boarding
26 house or residential health care facility has reserved to him a monthly
27 amount, from payments received under the provisions of the act to
28 which this act is a supplement or from any other income, as a personal
29 needs allowance. The personal needs allowance may vary according to
30 the type of facility in which an eligible person resides, but in no case
31 shall be less than~~[\$25.00]~~ \$50 per month.

32 i. Ensure that any eligible person who receives medical assistance
33 under subparagraph (4)(a) of subsection a. or under paragraph (11),
34 (13) or (14) of subsection b. of section 6 of P.L.1968, c.413
35 (C.30:4D-6) receives~~[\$10.00]~~ \$25 per month, in addition to benefits
36 received pursuant to 42 U.S.C.§1382(e)(1)(B). If the government
37 cannot administer this~~[\$10.00]~~ monthly increase, the commissioner
38 shall administer this increase and shall ensure that this increase is not
39 considered income for Supplemental Security Income program
40 purposes. However, if the government increases the benefit level under
41 42 U.S.C.§1382(e)(1)(B), the commissioner shall allow the
42 government to administer this increase and shall reduce its payment to
43 an eligible recipient by an equal amount.

44 j. Assess welfare boards at the beginning of each fiscal year in the
45 same proportion that the counties currently participate in the federal
46 categorical assistance programs, in order to obtain the amount of each

1 county's share of supplementary payments for eligible persons in this
2 State, based upon the number of eligible persons in the county.
3 (cf: P.L.1991, c.466, s.1)

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5 3. This act shall take effect on the first day of the third month
6 following enactment, except that section 2 of this act shall be
7 inoperative until the federal government approves the commissioner's
8 administrative plan.

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STATEMENT

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13 Approximately 26,000 persons who reside in nursing facilities, State
14 hospitals or State developmental centers and who are eligible for
15 Medicaid or Supplemental Security Income (SSI) presently receive a
16 \$35 personal needs allowance. This allowance is used by these
17 persons to purchase personal items such as clothing, grooming aids,
18 newspapers and other items not regularly provided by the facility in
19 which they reside.

20 The purpose of this bill is to increase the monthly personal needs
21 allowance to \$50. In the case of persons who receive SSI public
22 assistance, the bill provides that the Commissioner of Human Services
23 shall administer the \$25 allowance if the federal government, which
24 provides the basic \$25 allowance, cannot do so. The commissioner is
25 further directed to ensure that the \$25 increase is not counted as
26 income for the SSI recipient and thereby deducted from the federal
27 payment.

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33 Increases personal needs allowance to \$50 for those persons currently
34 residing in nursing facilities, State hospitals or State developmental
centers.